

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

NEAL GLESSNER

Plaintiff

v.

CHARDAN, LLC

and

ALEXANDER THAGGARD

and

MICHAEL SKINNER
117 Tritle Avenue
Waynesboro, PA 17268

and

CHARLOTTE AUFDEM-BRINKE
9807 Pond Run Court
Myersville, MD 21773

Defendants

CASE NO. C-2I-CV-22-000156

THIRDFOURTH AMENDED COMPLAINT

COMES NOW Plaintiff, Neal Glessner, by and through his attorney, Adam D. Greivell, Esq., and Greivell & Garrott Johnson, LLC, and sues the Defendants, CharDan, LLC, ~~and~~ Alexander Thaggard, Michael Skinner and Charlotte Aufdem-Brinke and for reasons states:

Parties, Jurisdiction and Venue

I. Plaintiff, Neal Glessner, is an adult resident of Washington County, Maryland.

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2. Defendant, CharDan, LLC, is a Maryland limited liability company with its principal place of business in Washington County, Maryland.
3. Defendant, Alexander Thaggard (“Thaggard”), is an adult resident of the State of Virginia who regularly engages in business in Washington County, Maryland.
4. Defendant, Michael Skinner (“Skinner”) is an adult resident of the State of Pennsylvania who regularly engages in business in Washington County, Maryland.
5. Defendant, Charlotte Aufdem-Brinke (“Charlotte”) is an adult resident of the State of Maryland who regularly engages in business in Washington County, Maryland.
6. The events described in this Complaint took place primarily, if not exclusively, in Washington County, Maryland.
7. Jurisdiction and venue are appropriate in Washington County, Maryland.

Facts Common to All Counts

8. Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.
9. CharDan, LLC (“CharDan”) owns and operates a restaurant in Boonsboro, Maryland named Dan’s Restaurant and Tap House (“Dan’s”).
10. On or about February 18, 2022, Plaintiff visited Dan’s for dinner.
11. During his visit, Plaintiff ordered two burgers and a salad “to go” so he could bring them home to visitors who were staying with Plaintiff.
12. At or near 8:00 p.m., approximately 45 minutes after he had placed his “to go” order, Plaintiff commented to his friend, Joseph Michael, who was sitting at the bar (“Friend”), stating something in the nature of “What’s taking so long, I ordered a ‘to go’ order 45 minutes ago.”

13. While Plaintiff's comment was not directed at his server ("Server"), the Server nonetheless overheard Plaintiff's comment, and snapped at Plaintiff, insisting that Plaintiff needs to be patient because they are very busy.
14. Plaintiff responded that it should not take that long to make two burgers, to which the Server responded that he ordered more than just two burgers.
15. Plaintiff responded, acknowledging that he did, in fact, order a salad, as well, but noted, tongue-in-cheek, that he did not believe it "took too long to 'cook' a salad."
16. The Server departed towards the kitchen in an angry fashion, and returned several minutes later with Plaintiff's order, and Plaintiff left.
17. Shortly after Plaintiff departed Dan's, a manager, Mike Skinner ("Manager"), approached Plaintiff's Friend who had been sitting at the bar, and told the Friend to "tell your friend" (meaning the Plaintiff) that he is no longer allowed at Dan's.
18. The Friend replied, stating something in the nature of, "I'll do no such thing, I don't work for you."
19. The Manager became upset and said, "That's it, you're out of here too! You old white men don't own this world any more!" ~~advised the Friend that both he and Plaintiff are barred from the premises.~~
20. The Friend advised the Manager that if he wanted to bar him from the establishment, he should call the police.
21. Whereupon, the police were called, and a Boonsboro Police Department officer responded to the scene at approximately 8:30 p.m.
22. The police officer activated his body worn camera and recorded the interactions with the Friend and the Manager.

23. When the police officer asked the Friend what had occurred, the Friend reported to the police officer that he had just been discriminated against.
24. The Friend drove directly to Plaintiff's house, arriving at approximately 8:45 p.m., and told the Plaintiff that he's not going to believe what happened after Plaintiff left.
25. The Friend advised that they had both been banned from Dan's.
26. When Plaintiff asked why, the Friend explained that, before the police arrived, the Manager exclaimed to the Friend, "You old, white ~~peoplemen don't act like you~~ own ~~everything~~ this world any more! ~~Get the fuck out of here!~~"
27. Both Plaintiff and the Friend are caucasian males over the age of 50.
28. Plaintiff thereafter reached out to Daniel N. Aufdem-Brinke ("Dan" - one of the members of CharDan, LLC), through Dan's Facebook page to discuss the situation.

29. Specifically, Plaintiff said in his message:

"Last night I had dinner and one cocktail with my 17 y/o daughter at Dan's. I ordered food to go for my 4 guest. Paid my \$125 tab, left the waitress a \$25 tip and an hour after I left.

Then one hour later.

Joe Michale [sic], our Deputy State's Attorney, who Governor Hogan, just appointed Judge, knocked on my door and informed me that I'm barred from Dan's [sic] and so Judge Michaels [sic].

I don't know what the heck happe[ne]d, I wasn't there. The police were called. On their body-cams, the managers yelled at the judge "you old white people think own everything".

I spend at least \$500 a week at Dan's and for no reason I was treated like shit again.

(Tuesday, after a town zoning meeting, 6 of us had dinner at 7:30, and we were treated horrible because they wanted to close the kitchen).

I can't tell you how furious I am about last night and I would like to speak with you about this. I am planning on FOIA requesting the police body cams, making them public, and filing a discrimination grievance with the liquor board.

I would consider not doing so if I am convinced you've addressed this bizarre situation.

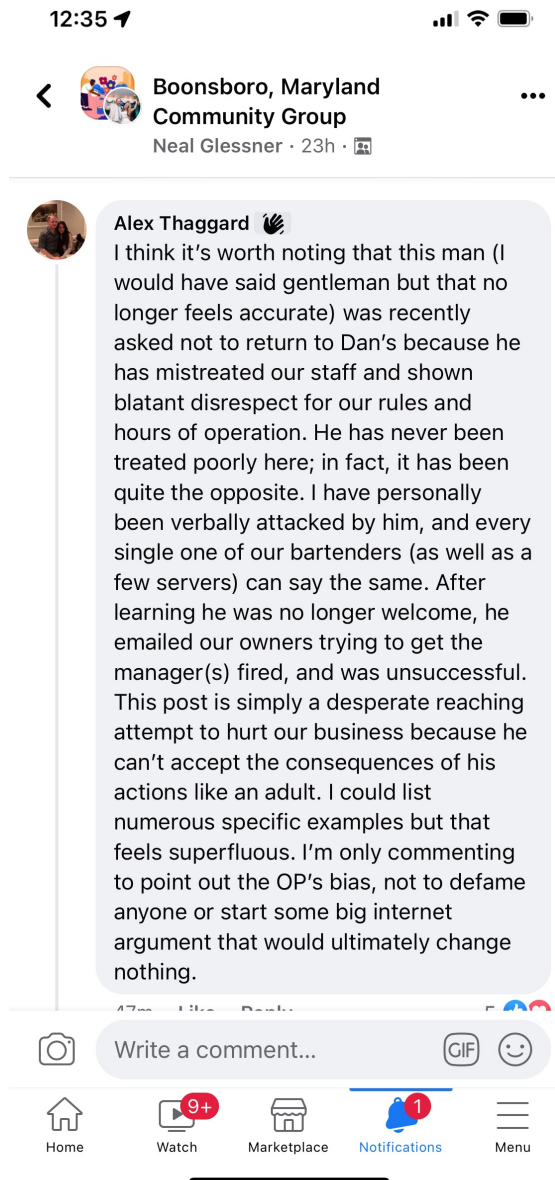
Please call my mobile 301-[redacted].

Thank you,

Neal”

30. Although Plaintiff had communicated with Dan previously through the Facebook messenger, this time, after Plaintiff sent a message, he was later notified that he had been blocked.
31. Frustrated that his efforts to reach out to Dan to remedy the situation resulted not in the reversal of his blatantly discriminatory banishment from the restaurant, but rather in him being blocked, Plaintiff called Dan's ex-wife, Charlotte Aufem-Brinke, to address the situation with her.
32. Charlotte advised that she would discuss the matter with Dan and have Dan reach out to Plaintiff.
33. Dan thereafter called Plaintiff and discussed Plaintiff's concerns.
34. Plaintiff expressed his frustration with having been banned from Dan's for being “old and white,” and expressly asked Dan to address the blatantly discriminatory conduct and reverse the decision so that Plaintiff could resume patronizing the establishment in peace.

35. Dan advised Plaintiff that he would discuss the matter with his staff, review the surveillance video “to see what was said,” and that he would contact Plaintiff if there was going to be any change in their position.
36. Plaintiff never heard from Dan again, and the establishment has never rescinded the Manager’s decision to bar Plaintiff from the premises.
37. Plaintiff, on February 21, 2022 ~~thereafter~~ posted a message in the Boonsboro, Maryland Community Group on Facebook (the “Group”), asking if anyone else had been treated poorly by the staff at Dan’s.
38. Defendant, Thaggard, another manager of Dan’s, made the following defamatory post (“Defamatory Post”) on the Group page:



39. The statements made in the Defamatory Post are false and defamatory.
40. For example, Plaintiff did not on February 18, 2022, or at any time previously “mistreat” Dan’s staff or “show[] blatant disrespect for [Dan’s] rules and hours of operation.”
41. On the contrary, Plaintiff has arrived for dinner at Dan’s on several occasions in the past well within Dan’s posted hours of operation, only to have been advised that the kitchen or the entire establishment had been closed early. After addressing these issues with Dan, Dan committed to requiring the staff to remain open and to seat diners for the entirety of the posted hours of operation.

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42. Moreover, Plaintiff has been unable to locate any “rules” and asserts herein that there are no such “rules.”
43. The statement that “He has never been treated poorly here” is false.
44. In fact, one evening not long before the February 18, 2022 incident, at approximately 7:35 p.m. several of Plaintiff’s friends and associates arrived at Dan’s for dinner. Immediately upon their arrival they were told by Dan’s staff that the kitchen is closing and that they needed to order immediately. At approximately 7:45 p.m., Plaintiff and his wife arrived to join the group. They were also instructed by Dan’s staff that they needed to order immediately because the kitchen was closed. The server was rude and seemed inconvenienced.
45. At approximately 8:30 p.m. the group paid their check, which was approximately \$100. There were no other patrons in the dinning room. The separated bar area had a dozen or more patrons. Moments after paying the check, the quiet background music in the dining room changed to very loud and obnoxious “head-banging” music. This made Plaintiff and his guests very uncomfortable and also made it impossible for his group to continue to their conversations. After the group felt that they were forced to leave, they all discussed how poorly the staff treated them and how the loud music was an obvious and obnoxious act to force them to leave the establishment 30 minutes prior to published posted time of closing.
46. The statement that “I have personally been verbally attacked by him, and every single one of our bartenders (as well as a few servers) can say the same” is false.

47. Aside from an isolated incident with a single server, where the next day the owner, Dan, agreed with Plaintiff and resolved the issue, Plaintiff has never “verbally attacked” that manager or any other bartender, server, or any other Dan’s staff member.
48. The statement that “he emailed our owners trying to get the manager(s) fired” is false.
49. Plaintiff did message Dan, as previously alleged, but the message to Dan was simply an attempt to respectfully discuss what had occurred on the evening of February 18, 2022, and no effort or suggestion was made to “get the manager(s) fired.”
50. The statement that the Plaintiff’s post “is simply a desperate reaching attempt to hurt our business because he can’t accept the consequences of his actions like an adult” is false.
51. Plaintiff’s purpose in making the post was to attempt to ascertain whether he was being singled out for being treated poorly, or whether other patrons have had similar experiences.
52. Plaintiff was able to see that approximately 30 or 40 new people requested access to the Facebook Group within a short period of when his post went up.
53. Defendant CharDan, through its agents, had encouraged their friends to join the Group in order to support the Defamatory Post and statements made therein.
54. On February 19, 2022, the day after the incident, the manager posted on his Facebook page, “tagging” the Server, a bartender, and a second manager, a picture that states “We have the right to refuse service. Fuck around and find out.” On the post, the manager added, editorially, “Nice try though. 👍 100”
55. Defendant’s *post-hoc* justifications for its abhorrent treatment of the Plaintiff were little more than pretextual fabrications designed to conceal its true animus.

56. The Manager's uncontrolled outburst to Plaintiff's Friend revealed his true motivation in ejecting and barring Plaintiff and his friend - that he was among the class of "old white men," and, to his perception, "don't own this world anymore."
57. The Manager has a history of demonstrating animus towards white people, including a Facebook post from July 1, 2021, which depicts little more than a white male wearing a tuxedo and holding a champagne flute, captioned: "WE ARE A DISEASE," and a June 24, 2022 post which depicts a picture of the US Supreme Court Justices, with arrows pointed towards all of the (white) "conservative" justices with various incantations of the "F" word, and an arrow towards Justice Clarence Thomas, with extra invective, saying "Fuck this fuckin traitor."
58. Since being banished from the restaurant, Plaintiff has become aware of approximately a half-dozen other white men who have been barred from Dan's for otherwise inexplicable reasons.
59. Daniel Aufdem-Brinke posted to his Facebook page in January, 2021, "'Damn you can get away with a lot of shit in this country if you're white!"
60. In a comment on that post, Dan further stated, "White men can pretty much get away with a lot of bullshit."
61. Thus, Defendant acting through its ownership and Manager harbored special insidious hate towards old white men, and would not have banned Plaintiff or his Friend but for those characteristics.
62. Even though Skinner's discriminatory animus against old white men was put on display on Facebook and elsewhere, CharDan negligently retained Skinner and failed to address, correct or prevent of his discriminatory behavior towards the Plaintiff and

others.

Charlotte's Defamation

63. In or around February, 2023, Charlotte, acting both individually and on behalf of CharDan, LLC, began publishing numerous false and defamatory statements about Plaintiff online.
64. Specifically, Charlotte made numerous posts and comments on Facebook falsely claiming that Plaintiff was organizing and/or attending protests outside of Dan's and claiming that Plaintiff was lying about the "head banging" music incident set forth in paragraph 38 herein.
65. On February 24, 2023, as rumors of a planned protest began to emerge, Plaintiff made clear that he was not behind the protest, and posted on his Facebook Page, "Regarding any protest supposedly planned for this weekend, I want to be very clear: I am not responsible for it, I am not organizing it, and I do not condone it. Indeed, I have no plans to be in attendance."
66. Charlotte saw Plaintiff's February 24, 2023 post and, on the same day, posted a screenshot of the same on her page, "It's pathetic when a man like Neal Glessner abuses the court system in an effort to bully and harass a woman-owned business. It's worse when he refuses to stand up and take accountability for his actions. Don't worry, Neal. Everyone - and I mean EVERYONE - is giving you the proper credit for whatever happens this weekend. Everyone. And speaking of 'everyone,' I hope to see everyone this weekend, when the Dan's team will be serving up good drinks for a good cause. Enjoy a 'Neal's Cranberry Whine,' a 'Big Shaun's Mudslinger' and our favorite - the 'Banana Moonpie!' Half of all proceeds to go to CASA of Western Maryland!"

67. Charlotte's post is false in that Plaintiff's lawsuit is not an "abuse" of the court system, and is not an "effort to bully and harass a woman-owned business."
68. Charlotte's post is also false in that it continues to claim that Plaintiff is responsible for the protest.
69. Even after Charlotte's February 24, 2023 post, Charlotte continued to publish the aforesaid false statements about Plaintiff's attendance and organization at the protest.
70. In a February, 2023 comment provided to the Herald Mail, Charlotte claimed: "Mr. Glessner was asked to leave our restaurant due to repeated occurrences of disruptive behavior against members of our team. Nothing more. Nothing less." She further stated, "The lawsuit filed by Mr. Glessner is frivolous, and his accusations are beyond preposterous... we simply will not accept disruptive behavior that diminishes the experience for our guests or team members. It was on the basis of such behavior that the gentlemen referenced in the lawsuit were asked to leave the restaurant."
71. These statements are false in several regards.
72. Plaintiff was never asked to leave the restaurant, he was banned from the restaurant after he left.
73. Plaintiff's lawsuit is not frivolous.
74. Plaintiff's accusations are not "beyond preposterous," they are accurate.
75. Neither Plaintiff's nor his Friend's conduct at the restaurant were "disruptive behavior that diminishes the experience for our guests or team members."
76. Charlotte has made these and other yet undiscovered false and defamatory comments about Plaintiff knowing them to be false, or with reckless disregard as to the truth or falsity thereof, and with the actual malicious intent to injure Plaintiff's reputation in the

community.

Skinner's Defamation

77. In our around February, 2023, Skinner, acting both individually and on behalf of CharDan, LLC, began publishing numerous false and defamatory statements about Plaintiff online.
78. In February, 2023, Skinner posted a comment on Reddit, claiming of Plaintiff and his Friend: "Two guys were banned from our establishment for being repeatedly abusive to our staff."
79. This comment is false in that neither Plaintiff nor his friend were "repeatedly abusive" to Dan's staff.
80. In February, 2023, Skinner posted another comment on Reddit, claiming of the Plaintiff and his Friend, "These guys frequented our establishment and were ALWAYS abusive and nasty toward the staff..."
81. This comment is false in that neither Plaintiff nor his Friend were abusive and nasty toward Dan's staff.
82. In February, 2023, Skinner also posted on Reddit that "Two men were asked to stop coming to our establishment due to a long history of abusing our staff."
83. This comment is false in that neither Plaintiff nor his Friend had a "long history of abusing" Dan's staff.
84. In a post on Reddit, also in February, 2023, Skinner said, "just like Neal Glessner and Judge Joe Michael, he is completely misrepresenting what actually happened."

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85. This comment is false in that neither Plaintiff nor his Friend “completely misrepresent[ed] what actually happened.”
86. Skinner has made these and other yet undiscovered false and defamatory comments about Plaintiff knowing them to be false, or with reckless disregard as to the truth or falsity thereof, and with the actual malicious intent to injure Plaintiff’s reputation in the community.

Thaggard’s New Defamation

87. In our around February, 2023, Thaggard, acting both individually and on behalf of CharDan, LLC, resumed publishing numerous false and defamatory statements about Plaintiff online.
88. In February, 2023, Thaggard posted on Reddit, referring to Plaintiff and his Friend that “These men were removed from the bar because they have repeatedly berated and mistreated our staff over a span of at least a year or two.”
89. The statement is false in several regards.
90. Plaintiff was never “removed from the bar,” he was banned from Dan’s after he had already left.
91. Neither Plaintiff nor his Friend “have repeatedly berated and mistreated [Dan’s] staff,” let alone “over a span of at least a year or two.”
92. In the same post, Thaggard claimed his life was “in danger, all because one man couldn’t accept that his actions have consequences,” falsely attributing alleged threats to him as being caused by the Plaintiff, and falsely claiming “He is a vile human being.”
93. Thaggard has made these and other yet undiscovered false and defamatory comments about Plaintiff knowing them to be false, or with reckless disregard as to the truth or

falsity thereof, and with the actual malicious intent to injure Plaintiff's reputation in the community.—

94. As a direct and proximate result of the Defendants' actions, Plaintiff has suffered, and will continue to suffer irreparable loss and injury, including but not limited to economic loss, humiliation, embarrassment, mental and emotional distress, strain on relationships, and unlawful deprivation of his protected rights to exercise and enjoy equal treatment in the making and enforcing of contracts in places of public accommodation without regard for age, race and/or color.

COUNT I - Unlawful Public Accommodation Discrimination in Violation of Public Policy

95. Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.
96. In Title 20 of the State Government Article, the General Assembly has espoused a clear mandate of public policy unambiguously prohibiting discrimination on the basis of age, race and/or color in places of public accommodation.
97. Dan's is a place of public accommodation, which is defined by SG § 20-301 as "a restaurant... principally engaged in selling food or alcoholic beverages for consumption on or off the premises..."
98. Pursuant to SG § 20-304, "An owner or operator of a place of public accommodation or an agent or employee of the owner or operator may not refuse, withhold from, or deny to any person any of the accommodations, advantages, facilities, or privileges of the place of public accommodation because of the person's race, sex, age, color, creed, national origin, marital status, sexual orientation, gender identity, or disability."

99. By barring Plaintiff from the facility because he is “old” and “white,” Defendant has refused, withheld from and denied Plaintiff the privileges of a place of public accommodation because of the Plaintiff’s age, race and/or color, in violation of Maryland’s clear mandate of public policy.

100. Plaintiff has been damaged as aforesaid as a direct and proximate result of Defendant’s violation of the aforesaid public policy.

WHEREFORE, Plaintiff respectfully requests the following relief:

(1) Enter a declaratory judgment finding that the foregoing actions of the Defendant violated Maryland’s public policy, as espoused in SG §20-304;

(2) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;

(3) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

(4) Award Plaintiff his reasonable attorneys’ fees and costs;

(5) Award pre-judgment interest and post-judgment interest; and

(6) Order such other relief as this Court deems just and equitable.

COUNT II - Defamation of Character (CharDan)

101. Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.

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- 102.** As set forth above, Defendant CharDan and its agents made numerous defamatory communications about the Plaintiff which tended to and did in fact expose Plaintiff to public scorn, hatred, contempt and ridicule.
- 103.** Defendant CharDan published these defamatory communications to many third parties who reasonably recognized the defamatory nature of the statements.
- 104.** Defendants CharDan's statements about the Plaintiff are false as aforesaid, and the Defendant CharDan made the false statements with negligent disregard for the truth of the statements, reckless disregard for the truth of the statements, and/or with actual malice, *i.e.*, actual knowledge of the falsity of the statements.
- 105.** Moreover, even if the falsity of the above defamatory statements was not known or knowable by the Defendant CharDan at the time they made such statements, the falsity of the statements had become known to the Defendant CharDan and its failure to retract the statements constitutes an ongoing malicious act of defamation.
- 106.** As set forth above, Defendants CharDan's conduct in defaming the character of the Plaintiff has proximately and actually caused severe reputational harm, emotional distress and financial damages in an amount to be more specifically proven at trial, but exceeding \$75,000.00.

WHEREFORE, Plaintiff respectfully requests the following relief:

- (1) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;

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(2) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

(3) Award Plaintiff his reasonable attorneys' fees and costs;

(4) Award pre-judgment interest and post-judgment interest; and

(5) Order such other relief as this Court deems just and equitable.

COUNT III - NEGLIGENCE

107. Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.

108. Defendant owed a duty to Plaintiff to act in accordance with the requirements set forth in Title 20 of the State Government Article, as aforesaid.

109. Defendant violated that duty as alleged above.

110. As a direct and proximate result of Defendant's violation, Plaintiff suffered loss and injury, including but not limited to economic loss, humiliation, embarrassment, emotional distress, strain on relationships, and unlawful deprivation of his protected rights to exercise and enjoy equal treatment in the making and enforcing of contracts in places of public accommodation without regard for age, race and/or color.

WHEREFORE, Plaintiff respectfully requests the following relief:

(1) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;

(2) Award Plaintiff his reasonable attorneys' fees and costs;

(3) Award pre-judgment interest and post-judgment interest; and

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(4) Order such other relief as this Court deems just and equitable.

COUNT IV - GROSS NEGLIGENCE

- III.** Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.
- II2.** Defendant owed a duty to Plaintiff to act in accordance with the requirements set forth in Title 20 of the State Government Article, as aforesaid.
- II3.** Defendant violated that duty as alleged above.
- II4.** Defendant's actions in violating its statutorily imposed duties were committed intentionally, or, at the least with wanton and reckless disregard for the rights of the Plaintiff.
- II5.** As a direct and proximate result of Defendant's violations, Plaintiff suffered loss and injury, including but not limited to economic loss, humiliation, embarrassment, emotional distress, strain on relationships, and unlawful deprivation of his protected rights to exercise and enjoy equal treatment in the making and enforcing of contracts in places of public accommodation without regard for age, race and/or color.

WHEREFORE, Plaintiff respectfully requests the following relief:

(1) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;

(2) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

(3) Award Plaintiff his reasonable attorneys' fees and costs;

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- (4) Award pre-judgment interest and post-judgment interest; and
- (5) Order such other relief as this Court deems just and equitable.

COUNT V - Defamation of Character (Thaggard)

- 116.** Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.
- 117.** As set forth above, Defendant Thaggard and his agents made numerous defamatory communications about the Plaintiff which tended to and did in fact expose Plaintiff to public scorn, hatred, contempt and ridicule.
- 118.** Defendant Thaggard published these defamatory communications to many third parties who reasonably recognized the defamatory nature of the statements.
- 119.** Defendants Thaggard's statements about the Plaintiff are false as aforesaid, and the Defendant Thaggard made the false statements with negligent disregard for the truth of the statements, reckless disregard for the truth of the statements, and/or with actual malice, *i.e.*, actual knowledge of the falsity of the statements.
- 120.** Moreover, even if the falsity of the above defamatory statements was not known or knowable by the Defendant Thaggard at the time he made such statements, the falsity of the statements had become known to the Defendant Thaggard and his failure to retract the statements constitutes an ongoing malicious act of defamation.
- 121.** As set forth above, Defendant Thaggard's conduct in defaming the character of the Plaintiff has proximately and actually caused severe reputational harm, emotional distress and financial damages in an amount to be more specifically proven at trial, but exceeding \$75,000.00.

WHEREFORE, Plaintiff respectfully requests the following relief:

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(1) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;

(2) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

(3) Award Plaintiff his reasonable attorneys' fees and costs;

(4) Award pre-judgment interest and post-judgment interest; and

(5) Order such other relief as this Court deems just and equitable.

COUNT VI - Defamation of Character (Charlotte)

122. Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.

123. As set forth above, Defendant Charlotte and her agents made numerous defamatory communications about the Plaintiff which tended to and did in fact expose Plaintiff to public scorn, hatred, contempt and ridicule.

124. Defendant Charlotte published these defamatory communications to many third parties who reasonably recognized the defamatory nature of the statements.

125. Defendants Charlotte's statements about the Plaintiff are false as aforesaid, and the Defendant Charlotte made the false statements with negligent disregard for the truth of the statements, reckless disregard for the truth of the statements, and/or with actual malice, *i.e.*, actual knowledge of the falsity of the statements.

126. Moreover, even if the falsity of the above defamatory statements was not known or knowable by the Defendant Charlotte at the time he made such statements, the falsity

of the statements had become known to the Defendant Charlotte and her failure to retract the statements constitutes an ongoing malicious act of defamation.

127. As set forth above, Defendant Charlotte's conduct in defaming the character of the Plaintiff has proximately and actually caused severe reputational harm, emotional distress and financial damages in an amount to be more specifically proven at trial, but exceeding \$75,000.00.

WHEREFORE, Plaintiff respectfully requests the following relief:

(1) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;

(2) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

(3) Award Plaintiff his reasonable attorneys' fees and costs;

(4) Award pre-judgment interest and post-judgment interest; and

(5) Order such other relief as this Court deems just and equitable.

COUNT V - Defamation of Character (Skinner)

128. Plaintiff incorporates and re-alleges the allegations of all preceding paragraphs as if fully set forth herein.

129. As set forth above, Defendant Skinner and his agents made numerous defamatory communications about the Plaintiff which tended to and did in fact expose Plaintiff to public scorn, hatred, contempt and ridicule.

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- 130.** Defendant Skinner published these defamatory communications to many third parties who reasonably recognized the defamatory nature of the statements.
- 131.** Defendants Skinner's statements about the Plaintiff are false as aforesaid, and the Defendant Skinner made the false statements with negligent disregard for the truth of the statements, reckless disregard for the truth of the statements, and/or with actual malice, *i.e.*, actual knowledge of the falsity of the statements.
- 132.** Moreover, even if the falsity of the above defamatory statements was not known or knowable by the Defendant Skinner at the time he made such statements, the falsity of the statements had become known to the Defendant Skinner and his failure to retract the statements constitutes an ongoing malicious act of defamation.
- 133.** As set forth above, Defendant Skinner's conduct in defaming the character of the Plaintiff has proximately and actually caused severe reputational harm, emotional distress and financial damages in an amount to be more specifically proven at trial, but exceeding \$75,000.00.

WHEREFORE, Plaintiff respectfully requests the following relief:

- (1) Award compensatory damages to Plaintiff in an amount to be determined by a jury that would fully compensate Plaintiff for economic loss, humiliation, embarrassment and emotional distress, in an amount exceeding \$75,000.00;
- (2) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendant for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;
- (3) Award Plaintiff his reasonable attorneys' fees and costs;
- (4) Award pre-judgment interest and post-judgment interest; and

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(5) Order such other relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Adam D. Greivell

Adam D. Greivell, Esquire

CPF ID# 0512130328

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adam@greivelllawoffice.com

Attorneys for Plaintiff, Neal Glessner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ~~20th~~^{31st} day of ~~February~~^{March}, 2023, a copy of the foregoing ~~Third~~^{Fourth} Amended Complaint was served via MDEC on Charles B. Peoples, Esq., attorney for Defendant, ~~Char~~^{Dan}, LLC. ~~Any as of yet unserved Defendants will be served with this Fourth Amended Complaint, along with the Summons and all other pleadings and papers heretofore filed in this case.~~ All other persons entitled to service, if any, were served by the MDEC system.

/s/ Adam D. Greivell

Adam D. Greivell, Esquire

CERTIFICATE REGARDING RESTRICTED INFORMATION

I HEREBY CERTIFY that this document does not contain any restricted information.

/s/ Adam D. Greivell

Adam D. Greivell, Esquire

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